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DONG YOUNG DIAMOND INDUSTRIAL CO., LTD,  
14 AND DONGSOO LEE

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 CONTINENTAL D.I.A. DIAMOND  
18 PRODUCTS, INC., a California corporation,

Case No. CV 3:08-CV-02136 SI

19 Plaintiff,

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING TIME FOR CONTINENTAL  
D.I.A. DIAMOND PRODUCTS, INC. TO FILE  
A REPLY TO DEFENDANTS' OPPOSITION  
TO PLAINTIFF'S MOTION TO DISMISS**

20 vs.  
21 DONG YOUNG DIAMOND INDUSTRIAL  
22 CO., LTD., a South Korean company,  
23 DONGSOO LEE, an individual, and DOES 1-  
10, inclusive,

Judge: Honorable Susan Illston

24 Defendants.

Complaint Filed: April 24, 2008  
Trial Date: November 9, 2009

25 AND RELATED COUNTERCLAIMS.

## **STIPULATION**

WHEREAS, on October 17, 2008, Plaintiff CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC. ("Continental") filed a Motion to Dismiss the First Amended Counterclaims filed by DONG YOUNG DIAMOND INDUSTRIAL CO., LTD. and DONGSOO LEE (collectively "Defendants") and noticed the Motion to Dismiss for oral argument on November 21, 2008 (Docket No. 50);

WHEREAS, on October 20, 2008, the Court on its own volition issued a notice continuing the hearing on Continental's Motion to Dismiss from November 21, 2008 to December 12, 2008 (Docket No. 53);

WHEREAS, pursuant to Civil L.R. 7-3(a), Defendants may now file an Opposition to Continental's Motion to Dismiss on or before Friday, November 21, 2008;

WHEREAS, pursuant to Civil L.R. 7-3(c) and due to the Thanksgiving Holiday, Continental must now file its Reply to the Opposition (“Reply”) on or before Wednesday November 26, 2008;

WHEREAS, pursuant to Civil L.R. 7-3(c) and due to the Thanksgiving Holiday, Continental now only has three court days to prepare and file a reply brief whereas it would normally have five court days to prepare a reply.

WHEREAS, Defendants have agreed to grant Continental a two (2) court day extension to file its Reply;

WHEREAS, this is the first extension sought by a party in relation to Continental's Motion to Dismiss, this extension is not for the purpose of delay, and the parties believe that this short extension of time will not affect any dates or other deadlines that have been set by the Court, including the December 12, 2008 hearing date, and is in the interests of fairness.

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1 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY  
2 STIPULATE that Continental's Reply to Defendants' Opposition, which was originally due on  
3 November 26, 2008, may be electronically filed and served up to and including December 2, 2008.

4 Dated: November 11, 2008 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.  
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6 */s/ Jeffrey M. Ratinoff*  
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8 By: JEFFREY M. RATINOFF  
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10 Attorneys for Plaintiff/Counterclaim Defendant,  
11 Continental D.I.A. Diamond Products, Inc.  
12

13 Dated: November 11, 2008 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP  
14

15 */s/ William D. Hagedorn*  
16

17 By: ALFRED C. FRAWLEY  
18 WILLIAM D. HAGEDORN  
19

20 Attorneys for Defendant/Counterclaim Plaintiff,  
21 Dong Young Diamond Industrial Co., Ltd., and Dongsoo Lee  
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23 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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25 Dated: \_\_\_\_\_  
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29 THE HONORABLE SUSAN ILLSTON  
30 UNITED STATES DISTRICT COURT JUDGE  
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